

ENKEL PROJECT APPLICATION

Special Procedures Apply

A petition decision has been granted providing waiver of requirements under 37 CFR 1.98 related to the filing of paper copies in each case. The Decision mailed 12/1/99 and this memo set forth examining guidelines to be followed during the examination process. In summary:

- ✓ The applicant will not be required to file a paper copy of each IDS reference citation in each case. Instead, the applicant will file three sets of copies of each IDS reference citation in the holding case. The first set will remain with the holding case (Serial No. 09/147,325). The second set will be used to populate Digests 13-33 in Class 174 and the third set will be kept as a master set in the EIC (Electronic Information Center). All other Enkel cases will have a copy of the petition decision and the IDS papers without the reference copies. There are almost 700 references in the IDS.
- ✓ Since Digests 13-33 contain all the references contained in the IDS, searching the Digests will be a pertinent field of search as defined in MPEP sec. 904.01(d).
- ✓ Paper copies taken from the search room must be returned promptly.
- ✓ Any new references discovered by an examiner and considered pertinent or cited by applicant will be classified in the Digests by classifier John Hanley after approval by a Primary Examiner or SPE.
- ✓ Class 174 Digests 13-33 (paper version) will be located in room **CP4-11C06**. **This room will also serve as central files for the Enkel cases.** The Digests are expected to be available for automated searching on EAST and WEST in early January.
- ✓ Restriction requirements are discouraged. If one is considered necessary, permission must be obtained from a panel consisting of SPE's Mike Gellner and Nestor Ramirez. This will help assure consistency among the examiners and help us maintain control over classification and assignment of cases.
- ✓ Care should be taken that double patenting rejections are consistent among the relevant cases. In order to provide consistency these rejections must also be cleared by the same panel.
- ✓ To help maintain consistency, all appeal conferences should include Mike Gellner.
- ✓ There will also be an allowance review panel to review all applications before they are passed to issue. This will help maintain consistency in standards of patentability and classification. All patent applications involved in this project will be tagged on PALM. The electronic tag will prevent a Notice of Allowance (NOA) from being mailed before the case is cleared by the panel consisting of SPE's Mike Gellner and Nestor Ramirez. If there is an attempt to mail a NOA in one of these cases, an error message "Send to Special Programs" will be returned. Allowance of any applications should be cleared by the panel before being counted. Although most of the cases are at the beginning stages of prosecution, if you encounter a situation where one of these cases is going to be allowed, please contact Nestor Ramirez or Mike Gellner.
- ✓ You can contact Mike Gellner at 308-1721 and Nestor Ramirez at 308-1371.

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Paper No. 26

Bradley D. Lytle
OBLON, SPIVAK, MCCLELAND,
MAIER & NEUSTADT, P.C.
Fourth Floor
1755 Jefferson Davis Highway
Arlington, Virginia 22202

JUL 17 2002

In re Application of
NYGREN et al.
Application No. 09/297,570
Filed: June 24, 1999
Attorney Docket No. 9847-0009-6X PCT

DECISION
ON PETITION

This is a decision on the petition, filed April 24, 2002 requesting that the prosecution in the above-identified patent application be suspended for a period of six months under 37 C.F.R. § 1.103(a), and an additional six months, pursuant to MPEP § 1002.02(c)9, for a total of twelve months, beginning with the filing of the subject Petition.

Regarding a suspension on request of the applicant, 37 CFR 1.103(a) provides:

(a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:

- (1) A showing of good and sufficient cause for suspension of action; and
- (2) The fee set forth in § 1.17(h), unless such cause is the fault of the Office

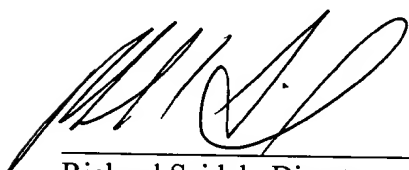
In the Request, to establish cause, Petitioner asserts the claims and issues of the instant application are relevant to the claims and issues in at least U.S. Application No. 08/973,019 which Petitioner has appealed. Further, because the appeal of '019 will materially affect the prosecution of the instant application, the instant application should be suspended pending the decision on appeal of '019.

A review of the record indicates the instant application has claims and issues that are relevant to

appealed case '019 . The claims in the instant application and appealed case '019 are both directed toward the particular structure of the high voltage cable. Consequently, since the outcome of appealed case '019 will materially affect prosecution of the instant application, good and sufficient reasons have been demonstrated to warrant suspension of action.

Accordingly, the petition to suspend prosecution is GRANTED for a period of up to twelve (12) months starting from the filing of petition, April 24, 2002.

Inquiries regarding this decision should be directed to Richard Seidel at (703) 306-3431.



Richard Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components